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OCT - 3 2005

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

Attorneys for The Commonwealth of the  
Northern Mariana Islands Defendants

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,	)	CIVIL ACTION NO. CV 99-0017
	)	
Plaintiff,	)	
	)	
v.	)	<b>QUARTERLY STATUS REPORT</b>
	)	<b>FOR THE PERIOD ENDING</b>
COMMONWEALTH OF THE	)	<b>OCTOBER 1, 2005</b>
NORTHERN MARIANA ISLANDS,	)	
GOVERNOR OF THE NORTHERN	)	
MARIANA ISLANDS,	)	
COMMISSIONER OF THE	)	
DEPARTMENT OF PUBLIC	)	
SAFETY, SECRETARY OF THE	)	
DEPARTMENT OF LABOR AND	)	
IMMIGRATION, SECRETARY OF	)	
THE DEPARTMENT OF	)	
COMMUNITY AND CULTURAL	)	
AFFAIRS,	)	
	)	
Defendants.	)	
	)	

**Background**

[1] The Consent Decree requires the Defendants to periodically transmit status reports. The Court Order of March 26, 2003 specified that status reports be filed, beginning on July 1, 2003 on a quarterly basis. Quarterly reports for the period ending July 1, 2003, October 1, 2003, January 1, 2004, May 1, 2004, July 1, 2004, October 1, 2004, January 1, 2005, April 1, 2005, and July 1, 2005 were timely filed with the Court and US Department of Justice.

### **Quarterly Report**

[2] During this reporting period, the population at the Susupe Facility (adult prison) has increased somewhat<sup>1</sup>. The population at the new Juvenile facility continues to remain below its capacity of 20<sup>2</sup> for the single building (Building "A") now in operation. The second building (Building "B") had been placed into use as a temporary facility to hold immigration detainees. During this reporting period all immigration detainees were transferred to the Susupe Facility. With the increase in overall population at the Susupe Facility and the transfer of immigration detainees, a significant shortage of bed space now exists. To address this need (until the opening of the new facility), work is now underway to transfer female prisoners to the Kagman Facility. This arrangement has been approved by the Secretary of the Departments of Corrections and the Secretary of the Department of Community and Culture Affairs. The actual transfer of female detainees is anticipated to occur during the next quarter. As with past practices, sight and sound separation between female detainees and juvenile detainees will be maintained at all times.

[3] Both Tinian and Rota continue to have a low incarceration rates. The policy limiting maximum detention at the Tinian Detention Facility for a period of more than 16 hours remains in effect. The Rota Detention Facility continues procedures so individuals will either be transported to the Susupe Facility or released without being held in the Rota Detention Facility. During this quarter only one individual was held in the Rota Detention Facility for approximately five (5) hours. While short-term detention on Rota is reserved as an option, this procedure reflects the commitment of the CNMI to improve these facilities and avoid housing prisoners in sub-standard conditions where possible.

[4] Construction of the new prison is near completion<sup>3</sup>. The following steps remain prior to opening the new prison:

- Complete construction including purchase and installation of FFE (furniture, fixtures and equipment)

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<sup>1</sup> Most recent reported DOC daily population = 144 males and 12 females

<sup>2</sup> Most recent reported JDF daily population = 12

<sup>3</sup> The current estimate is for occupancy in February, 2006

- Complete program planning
- Fund, recruit, train and assign staff<sup>4</sup>

[5] During this quarter Michael A. O'Toole was contracted to serve as the Chief Operating Officer for the Department of Corrections for a one-year period. Mr. O'Toole brings extensive experience and competence to this role<sup>5</sup>. Among his responsibilities are the following:

- a. Develop a system and procedures for agency policy development in appropriate areas of activity. Provide for promulgation, staff training and periodic review for compliance, revision, update and reissue. This objective relates to the mandatory standards of the American Correctional Association.
- b. Develop a system and procedures to provide for basic training to new correctional officers.
- c. Develop a system for ongoing in-service training.
- d. Develop appropriate interagency agreements for fire / health inspections and staff training.
- e. Develop an inmate classification system and housing plan for the new facility.

[6] When completed, the new prison will have a maximum capacity of 586 and will house the population presently housed in the Saipan prison as well as all immigration detainees. The facility is designed for four major units. Of these, only two will be placed into initial operation<sup>6</sup>. Prior to opening, use of one of the unused units to house prisoners from outside the CNMI<sup>7</sup> will be further explored.

[7] The Kagman Facility has successfully maintained operations during this reporting period. The monitoring of sight / sound separation has continued and no violations have occurred. On August 26, 2005, a conference call with representatives of the Department of Justice discussed

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<sup>4</sup> A transition and staffing plan have been developed during this quarter and are attached.

<sup>5</sup> The CV for Michael A. O'Toole is attached.

<sup>6</sup> Female detainees (typical population: 12) may be housed in a portion of one of the other 2 units so the new facility maintains gender separation.

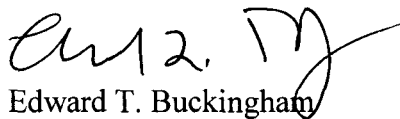
<sup>7</sup> Bringing in prisoners from the mainland US was considered but is viewed as inappropriate for commingling with less sophisticated CNMI prisoners. The primary option under consideration now is an intergovernmental arrangement with Guam. Such an arrangement can work to the interest of the CNMI in terms of using a resource that would otherwise be underutilized; it would also work in the interest of Guam to aid in population management and their compliance with their own Consent Decree.

the overall status of the CNMI Consent Decree including the Kagman Facility. The CNMI has requested that the Kagman Facility portion of the Consent Decree be closed since the facility has operated in substantial compliance with provisions of the Consent Decree for over one year. DOJ has indicated that this request will be further reviewed within their agency. The CNMI will follow up on this request during the coming quarter.

[8] The Prison Working Group<sup>8</sup> has continued work on plans for the transition to the new facility and overall operations<sup>9</sup>. This group has, in addition to other activity areas, monitored the progress of federal funds for the facility renovations at the Rota Detention Facility and the Tinian Detention Facility. During the last reporting period a site visit was made to the Rota Detention Facility to begin development of a scope of work. On September 26, 2006, the Consent Decree Coordinator and Department of Public Works Director of Technical Services made a site visit to the Tinian Detention Facility to gather information so that a scope of work could be prepared. During this coming quarter, concurrent scopes of work for both the Rota Detention Facility and Tinian Detention Facility will be developed. Following this, a pre-bid conference will be held with potential vendors. The scheduling of renovation work will then follow.

[9] The CNMI intends to continue its progress and efforts to maintain and improve compliance with the Consent Decree. As discussed above, in light of continued substantial compliance by the Kagman Facility for a period beyond one year, the CNMI hopes move this portion of the case into a "closed" status within the near future. Closure of the case related to the new Susupe Facility and renovated detention facilities will follow at an appropriate time.

Respectfully submitted,



Edward T. Buckingham  
Consent Decree Coordinator / Attorney for Defendants

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<sup>8</sup> Members include: Edward Buckingham, Consent Decree Coordinator, Attorney General Pam Brown, Michael O'Toole, Chief Operating Officer, Department of Corrections, Edward Tenorio and Jun Avila, Office of Management and Budget, Frank Gibson, Office of Personnel Management, Doris Pladevega, Executive Director, Criminal Justice Planning Agency, Department of Public Works Richard N. Cody, DYS Director Victor Mesta, and JDU Supervisor Floyd Masga.

<sup>9</sup> Ongoing communication is maintained with the Department of Justice.

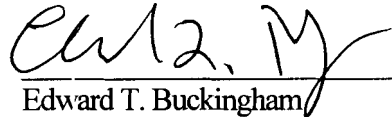
**Certificate of Service**

The undersigned hereby certifies that Federal Express sent a true and correct copy of this STATUS REPORT including all attached exhibits to the following:

Laura L. Coon, Trial Attorney  
Special Litigation Section – PHB  
950 Pennsylvania Avenue N.W.  
Washington, DC 20530

DATED: OCTOBER 3, 2005

By:

  
Edward T. Buckingham

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## **EXPERIENCE**

**Metropolitan State College of Denver (METRO), Department of Criminal Justice Science.  
Auraria Campus, Denver, Colorado**

**Adjunct Instructor, 1997 – 2000**

Taught undergraduate courses in "Criminal Justice Planning and Evaluation" and "Correctional Management"

**United States Department of Justice, Federal Bureau of Prisons,  
National Institute of Corrections, Jail Center - 1960A Industrial Circle, Longmont,  
Colorado 80501,**

**Division Chief, August, 1986 - June 1997** - As Chief of the Jail Center for the National Institute of Corrections, I was responsible for the development and implementation of the division's Annual Program Plan. This included the development, monitoring and implementation, and evaluation of a wide range of programs designed to improve state and local correctional systems and jail operations. Program priorities were determined as a result of public hearings and consultation with federal, state and local elected officials and correctional professionals.

Jail training and technical assistance programs supported by developmental work in jail administration, environmental design research, and the management of crowded facilities maintained the Jail Center as the premier information and technical resource for jail professionals during this period.

I also instituted the "Large Jail Network" (LJN) which consists of Sheriff's and Jail Administrators whose Facility ADP exceeds 1,000 inmates. The network has been operational for over a decade and focuses on issues unique to very large jail systems.

**Correctional Program Specialist, August, 1982 - August 1985**  
(from 8/82 - 2/84 I was on "loan" status from the Alexandria Sheriff's Office under the Intergovernmental Personnel Act (IPA). In February, 1984, I accepted a full time position with the NIC)

During this period, I supervised, coordinated and delivered jail related technical assistance in ten states. Developed curricula and conducted training for Sheriffs, Chiefs

of Police, County Commissioners and other local officials. Served as the Institute's expert on public inebriate diversion, jail planning and design and jail staffing analysis. I restructured several elements of our facility development process programs. Most significantly I changed the Phase I program to a "Local Systems Assessment" and required that the team include a "Jail" expert and a "Community Corrections" expert.

I was also the primary staff person working with the Division Chief in developing training materials and training programs on "New Generation" direct supervision jails. These programs were instrumental in facilitating the professional acceptance of this concept of jail design and inmate management. I was also the project manager on the first series of evaluation studies of direct supervision jails.

In 1984, I developed and managed a cooperative agreement that included a study of the 500 small jails built between 1974 and 1984. Information from this research was used to develop the "Small Jail Design Guide" published by the Institute in 1988. I also developed and managed a program to update this document consistent with evolving standards, advanced technology and evolving principles of Constitutional Law as they applied to jails. This revised document was published in 1999.

Developed the initial two one-day annual symposiums on Direct Supervision Jails and Legal Issues that precede and follow the annual training conference of the American Jail Association. These two programs have since been incorporated by AJA into their annual program, and continue to be major features of their annual training conference.

**Office of the Sheriff, City of Alexandria, 2003 Mill Road, Alexandria, Virginia, (703) 838-4111**

**Chief Deputy Sheriff - January, 1972 - February, 1984** - As Chief Deputy Sheriff, I served in a variety of capacities which included Administrative Officer; Coordinating, Planning and Programs Officer; Correctional Chief; and Department Liaison Officer. I also acted for the Sheriff in his absence.

**Administrative Officer** - Prepared and submitted all annual departmental budgets and all required local, state and federal financial reports and operational narratives. Reviewed and prepared revisions of departmental policy to insure continued compliance with state statutes and an evolving body of federal case law relating to jail operations.

**Planning and Programs Officer** - Developed and submitted program proposals; served as project director; selected and supervised personnel for grant programs and special projects. In 1973-1974 I established a successful Medical Services unit, Work/Study Release Program and a Jail Classification Program. All programs were rated as superior by Virginia's DJCP evaluation teams.

**Liaison Officer** - Represented the Office of Sheriff on local and regional advisory boards and committees. Served on the Confinement and Corrections Committee and Substance Abuse Advisory Council of the Northern Virginia Planning District Commission (NVPDC). I was Chairman of the Alcohol Offender Study Task Force and co-author of the Northern Virginia Alcohol Offender Study, published by the NVPDC in 1976.

**Correctional Chief** - Was responsible for the day-to-day operation of the Alexandria City Jail. Reported directly to the sheriff. My primary assignment was to implement the recommendations of a jail study report completed by a committee from the Alexandria Bar Association. My work in those years began the professionalization process in Alexandria that culminated in 1989 with the "Accreditation" of the Alexandria City Jail.

## **EDUCATION**

**University of Colorado**, Denver, Colorado, Graduate School of Public Affairs (GSPA). Doctoral program in public administration (currently inactive). 30(+/-) credit hours beyond Masters in the areas of Public Management and Intergovernmental Relations.

**University of Colorado**, Denver, Colorado, Graduate School of Public Affairs (GSPA). Masters in Criminal Justice (MCJ), 1993.

**Northern Virginia Community College**, Principles of Accounting, Budgeting and Public Finance. Sixteen quarters hours. 1975-1977 (Dean's List)

**The George Washington University**, Washington, D.C., 1964. Bachelor of Arts, Major field of interest - Cultural Ecology.

## **RELATED SPECIALIZED TRAINING**

**Sheriffs' and Jail Managers Training Conference**: An annual four-day management-training seminar jointly sponsored by the Law Enforcement Assistance Administration and the Virginia Department of Corrections. 1973, 1974, 1975, 1976 and 1977.

**Jailer Training - Management and Administration**: A six-day intensive course in management presented by the Western Interstate Commission for Higher Education and sponsored by the National Institute of Corrections, Jail Center, Boulder, Colorado, 1977.



**Hostages - Principles and Tactics:** Federal Bureau of Investigation and Virginia Department of Corrections. A three-day overview of the state-of-the-art, Richmond, Virginia, 1975.

**Executive Development Program:** A forty-hour management program sponsored by the Virginia State Sheriffs' Association and the Central Virginia Criminal Justice Training Center, Lynchburg, Virginia, 1978.

**National Sheriffs' Institute:** A specialized two-week course in management and administration designed for the second level executive. The National Sheriffs' Association in collaboration with the University of Southern California, Los Angeles, California, 1978, conducted program.

**Advanced Correctional Management:** A four-week intensive training program for correctional executives developed jointly by the National Institute of Corrections and the University of Colorado. Presented by the University of Colorado in June, 1982

**Effective Executive Workshop:** A one-week program presented by the Wharton School and Cornell University at Palm Springs, CA, 1988

### **PROFESSIONAL AFFILIATIONS**

**Board Member/President, Alcoholic Rehabilitation (ARI), Arlington, Virginia, 1973 - 1984** - This was a regional program primarily providing post detoxification, counseling and Halfway House services for alcoholics. Target population was the resource-less alcoholic involved with the Criminal Justice System, primarily as a result of alcoholism.

**National Sheriffs' Association.** - Member since 1972. Since 1982 I have been appointed annually to serve on the Association's Detention and Corrections and Standards Committee.

**American Correctional Association** - Member since 1972. Have served on the Local Adult Detention Committee intermittently since its inception. I also served on the program committee for two years.

**American Jail Association** - Charter member. Was one of many individuals actively involved in the formative years of this organization. Was directly involved in the planning and delivery of many of its annual training conferences from 1984 through 1997

**American Institute of Architecture** - Was appointed liaison member to the organization's Committee on Architecture for Justice in 1983. Developed resource materials for their design research file, and made presentations to the committee on the impact of specific design features on jail operations, and other jail related design and operational issues.

**Academy of Criminal Justice Sciences (ACJS)** - Member 1987- 1997 Have delivered papers and chaired roundtable discussions on various topics.

**Pi Alpha Alpha** - The National Honor Society for Public Affairs and public Administration. Elected to membership in 1995.

### **PUBLICATIONS**

O'Toole, Michael (1997). "Jails & Prisons: The Numbers Say They Are More Different Than Generally Assumed." *American Jails*, May/June, 1997 pp 27-31.

O'Toole, Michael (1998). Book Review, Krasnow Peter Charles, *Correctional Facility Design and Detailing*, New York, McGraw-Hill, 1997 (373 pips.) in *American Jails*, March/April, 1998 pp 115-117.

O'Toole, Michael, Paul Katsampes and Marcia Minuck (1998). "The Significance of Jail Administration in an Era of Public Competition." *Corrections Management Quarterly*, Volume 2 Issue 4, Fall 1998 pp. 81-85.

O'Toole, Michael A. (1999). "Emerging Issues for Local Jails: The Year 2000 and Beyond." *Corrections Management Quarterly*, Volume 3 Issue 2, Spring 1999. pps. 43-46.

O'Toole, Michael, (2001) "Jail Design Issues: Breaking Through the Prison Paradigm." *Large Jail Network Bulletin*, U. S. Department of Justice, National Institute of Corrections, 10<sup>th</sup> Anniversary Edition, May, 2001. pps. 27-28. (Limited Circulation).

Katsampes, Paul and Michael O'Toole (2000). "Tales of Two New Jail Managers." *Corrections Management Quarterly*, Volume 4 Issue 2, Spring 2000, pps. 68-74.

O'Toole, Michael, W. Raymond Nelson, Dennis R. Liebert and Kristin D. Keller (2004) "Self-Audit Instrument for Administrators of Direct Supervision Jails" U.S. Department of Justice, National Institute of Corrections, Washington, DC.

O'Toole, Michael, W. Raymond Nelson and Barbara Krauth (2004) "Urban County Issues in New Jail Planning, Design and Transition" in *LJN Exchange 2004*, U.S. Department of Justice, National Institute of Corrections, Washington, DC